

1 CHIEF U.S. DISTRICT JUDGE RICARDO S. MARTINEZ
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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT TACOMA

9 HERBERT BILODEAU,)
10 Plaintiff,) CIVIL NO. 3:19-cv-06231-RSM
11 vs.)
12 COMMISSIONER OF SOCIAL SECURITY,) ORDER
13 Defendant)
14

15 This matter comes before the Court on the parties' stipulated motion for attorney's fees
16 pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412

17 The motion is timely as Plaintiff had a 60-day appeal period, plus the 30-day period in
18 §2412(d)(1)(B), from the entry of final judgement on July 27, 2020, to file a timely EAJA
19 application. *Akopyan v. Barnhart*, 296 F.3d 852 (9th Cir. 2002); *Melkonyan v. Sullivan*, 501 U.S.
20 89, 94-96 (1991); FED. R. App. P. 4(a). Furthermore, upon review of the stipulation and the
21 record, the Court determines that Plaintiff is the prevailing party, the government's position was
22 not substantially justified, and that the itemization of attorney time spent is reasonable. In short,
23 the requirements of § 2412(d)(1)(B) are met.

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25 ORDER FOR EAJA FEES - 1

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Having thoroughly considered the parties' briefing and the relevant record, the Court hereby GRANTS the motion and awards Plaintiff \$5,927.04 in attorney's fees, subject to any offset allowed under the Treasury Offset Program. *See. Astrue v. Ratiff*, 560 U.S. 586, 589 – 590 (2010). Payment of EAJA fees shall be sent to Plaintiff's attorney: David Oliver & Associates, 2608 South 48th Street, Suite C, Tacoma, WA 98409. Pursuant to *Ratiff*, award shall be payable to Plaintiff's attorneys, David Oliver & Associates, if the Commissioner confirms that Plaintiff owes no debt to the Government through the Federal Treasury Offset program.

For the foregoing reasons, Plaintiff's stipulated motion for attorney fees is GRANTED;

DATED this 27th day of October, 2020.


RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE

Presented by:

S/David P. OLIVER
David P. Oliver,
Attorney for Plaintiff

ORDER FOR EAJA FEES - 2

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